



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

**1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

MAY 08 2017

**INFORMATION REQUEST
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Cooches Bridge, LLC
John Todd Ladutko, R.A.
6 Berkshire Court
Wilmington, DE 19807

**Re: Letter Requiring Submission of Information
Newark South Ground Water Plume Site
Newark, New Castle County, Delaware**

Dear Mr. Ladutko:

The U.S. Environmental Protection Agency (EPA) is seeking information concerning a release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Newark South Ground Water Plume Site, located in southeast Newark, west of Route 72, between Interstate 95 and Rt. 2 (East Chestnut Hill Road) in New Castle County, Delaware, (hereinafter the Site). The Site is a contaminated groundwater plume located southeast of Newark, Delaware. The Site is generally located under four industrial parks - the Diamond State, Delaware Industrial, Cooches and Blue Hen Industrial Parks, and also one commercial, retail center, Pencader Plaza. Refer to Enclosure G, attached to this letter, for a map. The specific information required is attached to this letter as Enclosure E.

Investigative activities have revealed that municipal wells, supplying drinking water for the City of Newark, are contaminated with perchloroethylene (PCE), trichloroethylene (TCE), solvents and other hazardous compounds. Properties located within the Site area and on adjacent areas surrounding the Site may have or had detections of contamination in the groundwater and soils. Therefore, EPA is conducting a search for Potentially Responsible Parties (PRPs) in connection with the contaminated groundwater plume and source areas.

EPA's investigation revealed that Cooches Bridge, LLC (hereinafter you) owned that portion of the Site which is located at 1203 Old Cooches Bridge Road (Parcel 18-046.00-090), and 1209 Old Cooches Bridge Road (Parcel 18-046.00-099), Newark, Delaware 19713. Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9604(e), EPA has the authority to require you to furnish all information and documents in your possession, custody or control, or in the possession, custody or



control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33).

CERCLA § 104 authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information that you provide may be used by EPA in administrative, civil, or criminal proceedings.

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>. EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an appropriately authorized corporate official, partner, and/or sole proprietor.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, (2) provide to EPA an appropriate reason why the information was not provided, (3) provide your document retention policy during your period of ownership of each portion of the Site, (4) provide a description of any relevant records destroyed and the date(s) of destruction, (5) provide a description of the information that would have been contained in the documents that were destroyed, and (6) state the name(s) of the individual(s) responsible for the destruction of the documents.

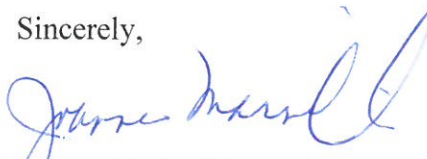
All documents and information should be sent to:

Ms. Joan Martin-Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Civil Investigator, Joan Martin-Banks, at (215) 814-3156, or have your attorney contact Senior Assistant Regional Counsel, Yvette Hamilton, at (215) 814-2636.

Sincerely,



Joanne Marinelli, Chief
Cost Recovery Branch

Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to EPA
Contractors and Grantees
B. List of Contractors That May Review Your Response
C. Definitions
D. Instructions
E. Required Information
F. Fact Sheet on Small Business Regulatory Enforcement Fairness Act (SBREFA)
G. Map

cc: Connor O'Loughlin, SAM (3HS12)
Yvette Hamilton, Esq. (3RC43)
Timothy Ratsep, DNREC
Qazi Salahuddin. DNREC

Enclosure A

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

Enclosure B

[rev. 2/2017]

List of Contractors That May Review Your Response

Emergint Technologies, Inc.

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

Arctic Slope Management Services

Contract # EP-W-17-011

Subcontractor: Booz-Allen & Hamilton

CDM-Federal Programs Corporation

Contract # EP-S3-07-06

Subcontractors: CDI-Infrastructure, LLC d/b/a L.R.

Kimball

Avatar Environmental LLC

Terradon Corporation

Cherokee Nation Assurance, LLC

Contract #EP-S3-14-01

EA Engineering, Science and Technology, Inc.

Contract #EP-S3-07-07

Subcontractor: URS

Eisenstein Malanchuck, LLP

Contract #EP-W-13-006

Subcontractors: R. M. Fields International, LLC

Hydrogeologic (HGL)

Contract #EP-S3-07-05

Subcontractor: CH2MHill

Sullivan International

Weston Solutions

Contract #EP-S3-1502

Tech Law, Inc. (Removal Program)

Contract #EP-S3-1503

Tetra Tech NUS, Inc.

Contract #EP-S3-07-04

Kemron Environmental Services, Inc.

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,

Tetra Tech, Inc.

Environmental Restoration, LLC

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc

Haas Environmental, Inc,

Hertz

Northstar Federal Services, Inc.

Contract # EP-S3-12-05

ICF International

Contract # EP-BPA-12-W-0003

Cooperative Agreements

National Association of Hispanic Elderly

CA# CQ-835398

National Older Workers Career Center

CA# Q-835621

Enclosure C

Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical

deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine-exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

Enclosure E

Information Request

The properties located at 1203 Old Cooches Bridge Road (Parcel 18-046.00-090) (Property 1), and 1209 Old Cooches Bridge Road (Parcel 18-046.00-099) (Property 2), Newark, Delaware 19713, are hereinafter collectively referred to as the "Properties". For each question, provide a separate and distinct answer for each of the Properties.

1. What was the nature of your business or activity during your period of ownership of the above parcels? Please describe in detail if the nature of your business or activity on the Properties changed during your period of ownership. Please provide a detailed explanation of these changes. Provide all relevant documentation.
2. With respect to the operations at the above Properties, please identify:
 - a. The products produced at the Properties;
 - b. The dates during which such products were produced at the above Properties; and
 - c. The processes used to produce the products identified in response to question 2a.

Provide all relevant documentation.

3. Did you ever use, purchase, store, treat, recycle, reclaim, dispose, transport or otherwise handle any "waste" (as the term "waste" is defined in paragraph 6 of the definitions attached hereto) on this Properties? If the answer to the preceding question is anything but an unqualified "no", identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each "waste";
 - b. Who generated each "waste";
 - c. How each "waste" was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - d. When each "waste" was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - e. Where each "waste" was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you; and
 - f. The quantity of each "waste" used, purchased, generated, stored, treated,

transported, disposed of or otherwise handled by you.

Provide all relevant documentation.

4. Describe the methods used by you to dispose of and/or treat PCE, solvents or other hazardous chemicals during your period of ownership of the Properties.
5. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons, including your own, who during your period of ownership of the Properties, may have:
 - a. Used, purchased, generated, stored, treated, transported, disposed of or otherwise handled PCE, solvents or other hazardous chemicals at the Properties;
 - b. Arranged for the disposal or treatment of PCE, solvents or other hazardous chemicals at the Properties; and
 - c. Arranged for the transportation of PCE, solvents or other hazardous chemicals to the Properties (either directly or through transshipment points) for disposal or treatment.
6. State the dates during which you owned, operated or leased the Properties and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases, title search reports, etc.). Be sure to describe the specific real estate and/or buildings to which each deed or lease relates and the activities undertaken by each owner/lessee/tenant.
7. Identify the prior owners of the Properties. For each prior owner, further identify:
 - a. The dates of ownership;
 - b. The nature of prior operations; and
 - c. All evidence that a "waste" was released or may have been released at during the period that such prior owner owned it.
8. Describe any interests in or encumbrances on the Properties that were held by others, during your ownership including, but not limited to, liens, easements, deed restrictions and mortgages. Provide all relevant documentation.
9. Describe your reason(s) for acquiring the Properties and all activities undertaken at the Properties by you during your period of ownership. Identify your employees who performed work at the Properties. Include current addresses and dates of birth. Include the dates of each such activity, the nature of the activity, and the specific location on the Properties of that activity.
10. Identify all contractors and their employees who performed any work on the Properties. Include the dates of each such activity, the nature of the activity and the specific location on the Properties of that activity. Provide all relevant documentation.

11. Provide a description of the construction and/or demolition of any surface or subsurface structure at the Properties. Describe the physical layout and characteristics of said Properties during your period of ownership. Include buildings, gates, fences, tanks, lagoons, settling ponds, underground tanks, barrels, drums, storm water systems, leach fields, septic systems, and groundwater wells. Provide maps and photographs, if available. Provide all relevant documentation.
12. Identify the prior operators, including lessees, of the Properties. For each such operator, further identify:
 - a. The dates of operation;
 - b. The nature of prior operations at said Properties; and
 - c. All evidence that a "waste" was released or may have been released by such prior operator at or from said Properties during the period that it was in operation.

Provide all relevant documentation.

13. Provide copies of all local, state, and Federal environmental permits ever granted for the Properties, or any part thereof (e.g., RCRA permits, NPDES permits, etc.). Provide copies of any correspondence between you and any regulatory agencies regarding "waste" transported to or disposed of at said Properties.
14. Provide all documents concerning sampling, testing or other technical or analytical information concerning the surface water, groundwater, soils, sediments, and air at the Properties. Describe the nature and scope of all investigations completed, and undertaken.
15. Describe all leaks, spills or releases at the Properties that were, or may have been, hazardous, toxic, flammable, reactive, or corrosive and the measures taken to address them. Provide all relevant documentation. Provide all relevant documentation.
16. Describe all fires, explosions or similar occurrences at the Properties. Provide all relevant documentation.
17. Provide all documents relating to governmental inspections at the Properties, during your period of ownership.
18. If you have any information about other parties which may assist the Agency in its investigation of the Properties, or any other portion of the Site, or who may be responsible for the generation of, transportation to, or release of contamination at any of the above, please provide such information. The information you provide in response to this request should include the party's name, address, type of business, and the reasons why you believe the party may have contributed to the contamination or may have information regarding the contamination.
19. Provide the identity of, and copies of any documents relating to, any other person who generated, treated, stored, transported or disposed of, or who arranged for the treatment, storage, disposal or transportation of each "waste" to the Properties, or any other portion of the Site.

20. Provide the identities of all predecessors in interest who, during your period of ownership, transported, stored, treated or otherwise disposed of any "waste" at the Properties, or any other portion of the Site and describe in detail the nature of your predecessor in interest's business. Describe all changes in ownership of the business during your period of ownership of the Properties, including the date of the ownership change and identify the type of change (i.e., asset purchase, corporate merger, consolidation, and name change). Provide a copy of each asset purchase and merger agreement.
21. Did you acquire the Properties, after the disposal or placement of the hazardous substances on, in, or at the Properties? Describe all of the facts on which you base your answer. Provide all relevant documentation.
22. Describe all investigations of the Properties that you undertook prior to acquiring it. Provide all relevant documentation.
23. In detail, respond to the following questions regarding your purchase of the Properties:
 - a. What was the purchase price of the Properties; and
 - b. Was the purchase price fair market value?Provide all relevant documentation.
24. Did you acquire the Property by inheritance or bequest? Describe all facts on which you base your answer and provide all documents evidencing any such acquisition.
25. Identify names, titles, dates and areas of responsibility of all individuals who exercised actual control of operations at the Properties and/or held significant authority to control activities at the Properties. Provide all relevant documentation.
26. Provide the names, titles, dates and areas of responsibility of all supervisory personnel. Include the names, titles, dates, and areas of responsibility of the person(s) to whom the supervisory personnel reported. Provide all relevant documentation.
27. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.
28. For each question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.



Enclosure F

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-B-15-001 May 2015

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Small Business Resources

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

Enclosure G



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